

M. ROBERT KESTENBAUM, LLC  
PATENT AND TRADEMARK MATTERS

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## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Office of Petitions	M. Robert Kestenbaum
COMPANY:	DATE:
Commissioner for Patents	04/30/2008
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571-273-8300	9
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
(571) 272-3282	(H)01ICP0235USP
RE:	YOUR REFERENCE NUMBER:
Petition to WD Holding of Abandonment	09/869,550

## NOTES/COMMENTS:

Attention: Petitions Office

To Whom It May Concern:

I am a Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 and Petition to Expediting Handling of the Petition to Withdraw the Holding of Abandonment, together with a PTO 2038 authorizing charging a credit card for the prescribed \$400 expediting fee, a copy of the General Authorization to Charge the Deposit Account (1 page), a copy of the deposit account statement for 11/2005 (1 page), and a copy of the Notice of Abandonment (2 pages).

Please expediting deciding favorably to withdraw the holding of abandonment and refer the Amendment after Final Action and RCE filed on 11-3-2005 to be entered and examined by the Examiner.

Thank you for considering this submission and deciding on this petition as quickly as possible.

Sincerely,



M. Robert Kestenbaum  
Reg. No. 20,430

11011 BERMUDA DUNES NE  
ALBUQUERQUE, NEW MEXICO USA 87111  
PHONE (505) 323-0771  
FAX (505) 323-0865

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: US Patent Application 09/869,550  
Filed January 8, 2002  
Title Online Ordering System, in Particular for Food Outlets, and Method for  
Operating an Online Ordering System of this Type  
Applicant Trebesius  
Art Unit 3625  
Examiner Marissa T. Thein  
Phone 571 272 6764  
Attorney Docket (H) 01ICP0235USP

Mail Stop Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181  
and Petition to Expedite Handling of Petition

**Attention: Office of Petitions**

On 11/03/2005, Applicant timely submitted a PTO 2038 authorizing charging a credit card for the prescribed fees for a timely submitted Amendment After Final Action with an RCE, a request for a three month extension of time to respond to the outstanding office action, and an additional claims fee of \$125. It was later learned that an LIE for Technology Center 3600 sent a notice stating that it was impossible to charge the entire amount due to a credit card limit. Consequently, there was a \$10 insufficiency.

There was a General Authorization to Charge Deposit Account 11-0665 on file in this application, which was submitted with the original application filing (copy included herewith). The balance in the deposit account (11-0665) was sufficient to cover the \$10 insufficiency (copy of 11/2005 statement for 11-0665 included herewith). The Deposit Account should have been charged for the \$10 insufficiency. Applicant's attorney called

05/01/2008 PCHOMP 00000023 09869550

01 FC:1462

400.00 OP

Trebesius (H)01ICP0235USP US Patent Application 09/869,550  
Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 with PTO 2038 authorizing  
charging a credit card for the prescribed \$400 Expedition Fee

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to determine the status of the case and was informed that the case was abandoned. The Notice of Abandonment was not issued until 9/20/2007 (copy included herewith).

On 4/30/2008, this office called the Petitions Office and was told that we should file this Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 on the grounds that the deposit account should have been charged for the \$10 insufficiency and the case should never have been abandoned. This Office is also submitting a PTO 2038 authorizing charging a credit card for the prescribed \$400 fee to Request Expediting Making a Decision on the Petition to Revive.

It is respectfully requested that this Petition to Withdraw the Holding of Abandonment be expeditiously considered, that the case be revived, and the Amendment after Final Action with RCE (submitted 11/3/2005) be entered and the examination continue. Further consideration and allowance of the claims is respectfully requested.

Trebesius (H)01ICP0235USP US Patent Application 09/869,550  
Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 with PTO 2038 authorizing  
charging a credit card for the prescribed \$400 Expedition Fee

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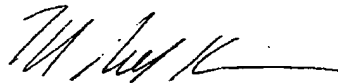
Applicant respectfully requests that this Petition receive a Decision as quickly as possible, and that the case be forwarded to the Examiner to enter and review the Amendment After Final Action and RCE as soon as possible. Thank you in advance for your consideration.

Respectfully submitted,



M. Robert Kestenbaum  
Reg. No. 20,430  
11011 Bermuda Dunes NE  
Albuquerque, New Mexico 87111  
Phone (505) 323-0771  
Fax (505) 323-0865

I hereby certify this correspondence is being submitted by facsimile transmission to Commissioner for Patents, Mail Stop Office of Petitions, fax number (571) 273 8300, on 04/30/2008.



M. Robert Kestenbaum

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: International Application PCT/DE99/04129  
Filed December 31, 1999  
Title Online Ordering System, in Particular for Food Outlets, and Method for Operating  
an Online Ordering System of this Type  
Applicant Trebesius  
Attorney Docket (H) 01ICP0235USP

Box PCT  
Commissioner for Patents  
Washington, DC 20231

General Authorization to Charge Fees

Dear Sir or Madam:

In accordance with Rule 1.136 (a) (3), please charge additional required fees which come due with respect to this application, including extension fees, and credit any overpayments to Deposit Account 11-0665.

Also, please provide extensions of time as required for timely receipt of concurrent or future correspondence and other documents submitted in this application and charge the appropriate extension fees to Deposit Account 11-0665

Respectfully submitted,



M. Robert Kestenbaum  
Reg. No. 20,430  
11011 Bermuda Dunes NE  
Albuquerque, New Mexico 87111  
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Requested Statement Month: November 2005  
Deposit Account Number: 110665  
Name: M ROBERT KESTENBAUM  
Attention:  
Street Address 1: 11011 BERMUDA DUNES NE  
Street Address 2:  
City: ALBUQUERQUE  
State: NM  
Zip: 87111  
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
11/02	6	10049934	(H)02MUN001	2201	\$100.00	\$185.00
11/30	64	SERVICE CHARGE		9202	\$25.00	\$160.00
		START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
		\$285.00	\$125.00	\$0.00	\$160.00	

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,550	01/08/2002	Jan Trebesius	(H) 01ICP0235USP	4686

7590  
M Robert Kestenbaum  
11011 Bermuda Dunes NE  
Albuquerque, NM 87111

09/20/2007

EXAMINER

THEIN, MARIA TERESA T

ART UNIT PAPER NUMBER

3627

MAIL DATE DELIVERY MODE

09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

APR 30 2008

**Notice of Abandonment**

Application No.

09/869,550

Applicant(s)

TREBESIOUS, JAN

Examiner

Marissa Thein

Art Unit

3627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

A proposed reply was received on November 3, 2005, but it did not constitute a proper reply. A notice of requiring excess claims fees was sent to the Applicant on November 3, 2005. Applicant failed to timely pay the required excess claim set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f) fees.

(571) 272-6790

  
F. RYAN ZEENDER  
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20070914